



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

NB:LTG:JLG:MRM  
F. #2018R00279

*610 Federal Plaza  
Central Islip, New York 11722*

February 2, 2022

By ECF

The Honorable Joan M. Azrack  
United States District Judge  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

Re: United States v. James Hickey  
Criminal Docket No. 16-017 (JMA)

Dear Judge Azrack:

We write on behalf of the Government, as directed by the Court, with respect to the unsealing of the above-captioned matter.

It is the Government's understanding that the Court intends to fully unseal this matter, with the exception of the Presentence Investigation Report ("PSR"). In addition, the Government respectfully requests that its sentencing letter, which details the nature and scope of Hickey's cooperation, also remain under seal (ECF Dkt. No. 13). United States v. Armstrong, 185 F.Supp.3d 332, 336-37 (E.D.N.Y. 2016) ("the government retains a unique interest in keeping documents relating to cooperation under seal even after a given investigation is completed. If we limit the government interest in protecting documents to a narrow interest in the secrecy of ongoing investigations, we fail to acknowledge how profoundly the federal criminal justice system relies on cooperators.").

Further, the Government has conferred with defense counsel, Edward Sapone, Esq., who indicated that he would like an opportunity to review the defense sentencing submission and related attachments (ECF Dkt. No. 14), and propose appropriate redactions for public filing. This submission, and its attachments, contains sensitive personal information.

The Government respectfully submits that this limited sealing request is a narrowly tailored means of protecting compelling interests, particularly because substantially all the information contained in the Government's sentencing letter is already (or will soon be)

a matter of public record, having been discussed in open court during the trial of Christopher McPartland and Thomas J. Spota. See Armstrong, supra, at 338 (“while alternate sources of information lessen the government interest in secrecy, they also diminish the urgency of the public’s need for the sealed materials.”).

Therefore, for the reasons set for above, the Government respectfully submits that the Government’s sentencing letter remain under seal, and that Mr. Sapone be afforded an opportunity to review the sentencing materials and propose certain redactions to the Court.

Respectfully submitted,

BREON PEACE  
United States Attorney

By: /s/  
Nicole Boeckmann  
Lara Treinis Gatz  
Justina L. Geraci  
Michael R. Maffei  
Assistant U.S. Attorneys  
(631) 715-7855/7835/7890

cc: Edward V. Sapone, Esq.